



**MINUTES OF MEETING OF THE CITY  
COUNCIL OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, March 26, 2002, 8:00 p.m.**

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**MEETING**

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Jimenez.

**ROLL CALL**

Present: COUNCIL MEMBERS Jimenez, Hilson,  
Rodriguez, Ward, Dowling, Henson  
MAYOR Cooper  
Absent: None

**PUBLIC COMMENTS**

Frank Goulart suggested that applause be allowed for public speaker affirmations.

Jason Moreno commented on the qualifications for the position of police officer.

Francisco Abrantes discussed garbage service and paying in advance.

Ron Barklow commented on the ACTA web site, Measure L, and the Route 238 by-pass. He also discussed the deaths of the teenagers in Union City. He suggested sand bagging rather than concrete walls as traffic barriers.

Jim Drake asked for further investigation of a home that is being remodeled in his neighborhood.

Mayor Cooper asked Mr. Drake how his problem could be resolved.

City Manager Armas commented that there is a difference of opinion between Mr. Drake and the City on what an appropriate solution might be.

Barbara Swarr spoke on redevelopment debt.

Robert Lopez commented on the recent campaign for the March 5, 2002 election.

**BOARDS AND COMMISSIONS**

**1. Confirm Appointments of New Youth Commissioners/Administer Oaths of Office**

Staff report submitted by City Clerk Reyes, dated March 26, 2002,  
was filed.

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It was moved by Council Member Ward, seconded by Council Member Rodriquez, and unanimously carried to adopt the following:

Resolution 02-032, "Resolution Appointing Members to the Youth Commission"

City Clerk Reyes administered the Oath of Office to the three new members and noted that nine members were re-appointed to the Youth Commission.

## CONSENT

Agenda Item 5 was removed for separation action.

### 2. Approval of Minutes of the City Council Meeting of March 19, 2002

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to approve the minutes of the City Council Meeting of March 19, 2002

### 3. Resignation of Stella Loi from the Downtown Business Improvement Area Advisory Board

Staff report submitted by City Clerk Reyes, dated March 26, 2002, was filed.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-033, "Resolution Accepting Written Resignation of Stella Loi as a Member of the Downtown Business Improvement Area Advisory Board"

### 4. Meekland Avenue Sanitary Sewer Replacement Project - Award of Construction Contract

Staff report submitted by Deputy Director of Public Works (Utilities) Ameri, dated March 26, 2002, was filed.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-034, "Resolution Approving Addendum No. 1 and Awarding Construction Contract to California Trenchless, Inc., for the Meekland Avenue Sanitary Sewer Replacement Project, Project No. 7585"



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**5. Authorization for the City Manager to Execute Agreements with the Alameda County Transportation Improvement Authority**

Staff report submitted by Deputy Director of Public Works Bauman, dated March 26, 2002, was filed.

Ron Barklow asked questions regarding the new Measure B and information regarding public information. He was given further information.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 02-036, "Resolution Authorizing the City Manager to Execute the Alameda County Transportation Improvement Authority (ACTIA) Master Program and Master Project Funding Agreements"

**6. Authorization to Execute Agreements for Planning and Engineering Services**

Staff report submitted by Community and Economic Development Director Ehrental, dated March 26, 2002, was filed.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-035, "Resolution Authorizing the City Manager to Execute Agreements with Planning and Engineering Consultants for Services that Exceed the Availability or Capacity of City Staff"

**LEGISLATIVE BUSINESS**

**7. Review and Discussion of Route 238 Contingency Plan Study**

Staff reports submitted by City Manager Armas and Deputy Director of Public Works Bauman, dated March 26, 2002, were filed.

City Manager Armas commented that the Council previously authorized staff to develop a contingency plan. This concept had three principle objectives: a back-up plan, to address identified traffic needs, and lastly to look at ways to preserve funding commitments.

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Deputy Director of Public Works Bauman presented the Contingency Plan Concept that includes a 4-6 lane facility from I-580 to Harder Road, parallels at Foothill and Mission Boulevards, with four access points and a tunnel through the downtown from Oakview Avenue to E Street. He highlighted the issues involved that include the geo-technical and the construct-ability issues, the resulting traffic analysis as well as a greater cost. The Contingency Plan results in more traffic capacity, better levels of service, provides for certain redevelopment opportunities and higher costs that reach \$577 million.

City Manager Armas summarized the current status and the next steps that may be considered. He stated that there might be some solutions and ways of packaging improvements that may merit further improvements.

Council Member Hilson reported his experience in reviewing the plans. He commended this presentation as straightforward and with a good understanding of the objectives. He felt that this plan has clarified some issues and provided information related to Mission Boulevard. He suggested it might not be doable at this time. He asked about mitigation costs. He then asked about the five-corner improvements at Mission/Jackson and felt that those improvements would provide some alleviation and solution to current traffic problems. He asked whether Harder Road improvements would immediately provide some relief for the traffic. He suggested there might be an offset from selling right-of-way properties and buying those necessary for the proposal.

Council Member Dowling asked about the time spent to travel in comparison to adding a potential tunnel. He was told this specific information was not calculated. What was determined was that the new proposal would reduce travel time about 27 percent.

Council Member Ward discussed the previous environmental studies, and then asked about the presumed value of the right-of-way properties that could be sold. He then discussed the redevelopment potential for the area.

It was noted that this is state-owned property. However, Senator Figueroa is assisting in legislation to guarantee that funds from the sale of state surplus properties remain and be used in the corridor as well as be utilized for the betterment of this community.

Council Member Jimenez indicated that Council Member Ward's discussion included most of his questions. He also asked for a priority plan to address the most needed situations.

In response to Council Member Henson's question to the City Attorney, it was noted that there is a vehicle for re-consideration by the Courts. It was also determined that there is a process for amendments to the expenditure plan.

Council Member Henson asked what would be the major issue of the tunnel following an earthquake.



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Paul Holley, consultant to the Route 238 Contingency Plan, indicated that the alignment of the tunnel is to the east of the Hayward Fault. He commented that the design could be created to withstand much of the impact. He added that instruments are installed for seismic activity.

Council Member Dowling asked about the difference in funds from the Caltrans plan and the tunnel plan.

Council Member Rodriquez asked about potential flooding of the tunnels. She was told that there are reinforcement questions around the Creek. She also asked about the membership of ACTA and was informed that it totals eight individuals representing other agencies.

Council Member Ward discussed making the downtown as pedestrian-friendly as possible.

Mayor Cooper opened the public hearing at 9:42 p.m.

Frank Goulart asked for additional information on the tunnel configuration. He expressed concern for the potential removal of the Hayward Plunge. He noted that HARD is presently upgrading it. He commented that the Neighborhood Alliance would be discussing this issue at its April meeting.

Ron Barklow asked why a statement by Dick Metz of CSUH was included on the ACTA website. It was noted that the City of Hayward has no control over the website.

Beatrice Thornton spoke strongly in support of the Route 238.

Mary Ann Faue expressed her concerns that included the environmental impacts. She also commented on the amount of cost cited for the project. She cited possible solutions for traffic problems today including coordinating the lights on Foothill and Mission; two left turn lanes on Mission at Carlos Bee; and she commented on the 40-years this problem has been ongoing and suggested that at some point, the City admit traffic is just bad, live with it.

J.V. McCarthy admitted that he has watched the development of this situation for twenty years. He discussed the problems as east-west traffic movement rather than north-south, as in the plans.

Jim Drake asked about the brick walls along the freeway. He discovered that the funding is only to Harder Road.

City Manager Armas indicated that the plans show an off-ramp from the 880-92 that is parallel to the present situation.

Barbara Swarr asked about the Caltrans surplus right-of-ways, and who has first rights on the

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sale of property. She was told that as of now, Caltrans could sell the property on the open market. The funds would go into the State General Fund. She then commented about the amount of damage that this project would do to those people who live here. She suggested that Hayward build a toll road so that people who come through Hayward and live elsewhere pay for the damage done to the area.

Jason Moreno asked whether the use of a toll road is feasible. He was told this would take State Legislation.

Mayor Cooper closed the public hearing at 10:13 p.m.

Council Member Dowling commented that this plan has many advantages and is attractive in a number of ways. It provides opportunities for Foothill, with additional capacity in the corridor, better operating traffic plan. He encouraged more concentration on the Carlos Bee/Mission intersection. He said he felt the tunnel was a solution, but would not be economically feasible at this time. He felt the first step would be the Foothill/Jackson grade separation. Perhaps moving forward with this part of the plan might indicate moving forward.

Council Member Henson commented on the consensus process. He said he would not address directly the contingency plan, since the money is not there right now. He emphasized that he wanted to make sure that all parties work together to try and see something that will work and alleviate traffic matters. He wanted to insure that the consensus process remains. He noted his support of the Route 238 By-pass, and that it is adopted City of Hayward policy. He expressed the need for direct access to our university. He commended staff and the City Manager for their efforts towards this Plan. He said initially, he looked at the tunnel and wondered about it. Now, he sees the positive aspects of the Plan.

Council Member Hilson discussed civility within the entire City. He did not agree with this issue becoming so personal. He urged everyone to pledge to live more civilly and discuss issues more calmly. It is okay to disagree, but do it on a higher plain, attack the fallacies in the arguments and not the individuals. He added, consider the feelings of others.

In regards to the project, he agreed that this is the right plan for Hayward, but finding the funding will be difficult. He felt that this would protect the environment in many ways and provide solutions to many of the traffic issues. The study and plan was not asked to look at more opportunities for the City of Hayward. He commented on a visit to the City of Monrovia and the major improvements made to their roadways as well as the many improvements to that area. He noted many of the things that could be done in the meanwhile. If agreement between the two sides can be reached, many problems can be solved.

Council Member Rodriquez urged continuance of creative ways to address this issue. She noted that rarely does she take comments personally, since most are simply verbal. She commented that she had been against the freeway for 41 years. She said, to resolve the problem, the Council Members have to rely on staff. She suggested looking for new and more creative ways to solve



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the problem. She said she is happy to see something happen. Until the money is available, people should discuss the beginnings of solutions.

Council Member Ward agreed with staff recommendations for improvements. He commented that it is misleading to imagine that the City of Hayward can come up with \$350 million. He added that the alternatives suggested might be doable. He noted that it might be time to move forward, to try to do what we can with the resources available.

Mayor Cooper noted the amount of money being held in abeyance is creating a problem with other cities that would like access to that funding. She commented that there is an appeal in process and a need to work out a viable plan for this area. There is a need to try to satisfy some of the special interests in town. Enough is enough, she stated and wondered what the City of Hayward can do that will benefit the most people in the City of Hayward without destroying it. She noted that the work would start immediately.

#### **COUNCIL REPORTS**

There were no Council Reports.

#### **ADJOURNMENT**

Mayor Cooper adjourned at 10:42 p.m.

#### **APPROVED:**

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Roberta Cooper, Mayor, City of Hayward

#### **ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward

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